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Committee on Relations with the Host Country

Letter dated 11 April 2013 from the Permanent Representative of Cuba to the United Nations addressed to the Chair of the Committee on Relations with the Host Country

I have the honour to write to you in your capacity as Chair of the Committee on Relations with the Host Country and hereby transmit note verbale 469/2013 dated 11 April 2013 addressed to the United States Mission to the United Nations by the Permanent Mission of Cuba (see annex).

I should also like to request that this letter and the attached note verbale be circulated as a document of the Committee on Relations with the Host Country as soon as possible.

Cuba reiterates the importance of the Committee's work in its role as a standing advisory body on the host country's relations with accredited Missions to the United Nations, and hopes that the host country will take the appropriate measures to prevent the further occurrence of incidents such as those described in the note verbale and to provide security for diplomatic missions' premises and staff to ensure the proper discharge of their functions as Members of the United Nations.

(*Signed*) Rodolfo **Reyes Rodríguez**
Ambassador
Permanent Representative

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Annex to the letter dated 11 April 2013 from the Permanent Representative of Cuba to the United Nations addressed to the Chair of the Committee on Relations with the Host Country

The Permanent Mission of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and, with regard to the obligations of United States authorities to provide proper protection for diplomatic staff and missions accredited to the United Nations and to take steps to ensure the normal performance of their diplomatic functions, wishes to report the following:

On 6 March 2013, between 8.30 and 9.39 p.m. a provocative incident occurred, involving over 30 demonstrators standing on the south-east sidewalk of E. 38th Street and on the south-west sidewalk of Lexington Avenue — opposite the Mission of the Republic of Cuba to the United Nations. This was a clear violation of the procedures established in note verbale HC-33-95 of 9 June 1995, a copy of which is annexed to document A/AC.154/281 of the Committee on Relations with the Host Country.

During the indicated time period, the participants carried out the following actions:

- They crossed Lexington Avenue to reach the sidewalk in front of the Mission and from there they took pictures and videos of the window and the main entrance in a direct act of provocation
- From that same location, they took video recordings of the security cameras protecting the entrance of the Mission, thereby compromising the Mission's security system
- From the south-west sidewalk of Lexington Avenue, they projected lights and images on the exterior walls of the Mission facing 38th Street and Lexington Avenue, disturbing Cuban diplomatic personnel and disrupting the activities taking place at the Mission at that time.

On noticing the situation, the Mission reported the act of provocation as a dangerous incident to the New York City Police. Police representatives said that they were unaware of the circumstances of the incident and would send officers to the Mission; however, they did not do so.

The Mission of Cuba also notified the diplomatic security services and the New York Police Department Intelligence Division of the incident through voice and text messages, but received no response. This constitutes a clear violation and breach by the United States authorities of their obligation to provide adequate protection for accredited diplomatic personnel in the country.

The Mission of Cuba emphasizes that it did not at any time receive any advance information concerning the reported incident.

The United States Government will be the only party responsible for any incident resulting from its failure to comply with its obligations as host country of the United Nations. Impunity for individuals or groups whose acts violate the dignity, normal functioning and security of the Mission is unacceptable. The host country must strictly abide by and enforce the provisions of the Vienna Convention on Diplomatic Relations of 18 April 1961 and the Headquarters Agreement signed

with the United Nations. It must therefore take the necessary steps to ensure that international law and its own laws are upheld.

The Permanent Mission of Cuba to the United Nations demands that the United States authorities take the necessary measures to comply with the provisions of the Vienna Convention on Diplomatic Relations of 1961, the Headquarters Agreement, and the procedures established in note verbale HC-33-95 and to prevent any future occurrence of incidents such as those reported in this note verbale.